

REMARKS/ARGUMENTS

Claims 1, 8-25 and 28-37 remain in this application.

Claims 2-7, 26 and 27 have been canceled.

The examiner has acknowledged that claims 23 and 25 are directed to allowable subject matter.

The Examiner has allowed claims 33-36.

In response to the Office Action of **March 18, 2008**, Applicant requests re-examination and reconsideration of this application for patent pursuant to 37 C.F.R. 1.114.

Allowable Subject Matter

The Examiner has objected to claims 23 and 25 as being dependent upon a rejected base claim, but indicating that these claims would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. The Examiner has also allowed claims 33-36.

Applicants greatly appreciate the Examiner's indication of allowable subject matter in this application.

Objections to the Claims

Claims 33 and 35-37 stand objected to for various informalities.

Applicants have corrected all of the informalities employing the Examiner's suggestions.

Rejection under 35 USC 103(a)

Claims 1, 8-9, 13, 17, 21, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (U.S. Patent No. 6,796,087) in view of Silva (U.S. Patent No. 6,145,254).

The Examiner alleges that Greene discloses a low profile panel system as claimed including a floor, a pair of side walls, a rear wall, a pivoting door that can be assembled on site and roof panels with top, bottom, front, back, left and right closed edges and a plurality of strengthen ribs in the bottom surface. He refers to roof panels 20 in Fig. 25 to support this. The Examiner admits that Greene does not disclose a telescoping roof assembly.

The Examiner also alleges that Silva discloses a telescoping roof assembly and refers to panel 50 in Fig. 2 to support this.

The Examiner then concludes that it would have been obvious to a person of ordinary skill in the art to modify the roof panels of Greene by providing one of the panels with telescoping ability as taught by Silva, in order to aid in the insertion and removal of lengthy tools.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

In order to establish a proper *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not base on applicant's disclosure *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143-§2143.03.

Claim 1 recites a panel system for constructing a low profile enclosure comprising, *inter alia*,... a telescoping roof assembly for enclosing the top of said low profile enclosure system and for providing ingress into and egress from said low profile enclosure, said telescoping roof assembly including a fixed roof panel and a telescoping roof panel, said telescoping roof panel including a top surface, a bottom surface, a front closed edge, a rear closed edge, a left closed edge, and a right closed edge, said bottom surface including a plurality of strengthening ribs constructed and arranged to provide structural rigidity and load capacity to said telescoping roof panel.

Neither Greene nor Silva discloses a panel system for a low profile enclosure which includes a telescoping roof assembly having a telescoping roof panel. The telescoping roof panel having a bottom surface which includes a plurality of strengthening ribs constructed and arranged to provide structural rigidity and load capacity to said telescoping roof panel.

The Examiner refers to "roof panel" 20 in Fig. 25 of Greene to support his contention that Greene discloses a roof panel with strengthening ribs. However, an examination of Fig. 25 of Greene does not reveal any strengthening ribs on element 20. Further, the Greene patent is totally silent with respect to any disclosure of strengthening ribs on the bottom of a roof panel 20. If the Examiner continues to rely on Greene to disclose strengthening ribs then he is respectfully requested to specifically point out which elements constitute the "strengthening ribs" and where in the disclosure of Greene these ribs are described and their function disclosed.

Accordingly Greene and Silva cannot be said to expressly teach or disclose all of the claimed limitations.

Claims 8, 9, 13, 17, 21 and 37 depend directly or indirectly on claim 1 and therefore are allowable for the same reasons as claim 1 is.

Claims 10-12, 14-16, 18-20, and 28-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (U.S. Patent No. 6,796,087) in view of Silva (U.S. Patent No. 6,145,254) as applied to claims 1, 2, 5-9, 13, 17, and 21 above, and further in view of Paz et al. (U.S. Patent No. 6,250,022).

The Examiner alleges that Greene in view of Silva discloses the claimed invention except for the first and second longitudinal ends using an attachment means consisting of at least one integrally formed socket.

The Examiner then alleges that it is well known in the art to use a socket connection as an attachment means between a longitudinal edge and a roof or floor assembly. He relies on Paz et al. to teach an extendible shed comprising panels with integrally formed sockets for connecting longitudinal edges to floor or roof assemblies ("side panels" 34 and "conduits" 96, Fig. 3) to support this allegation.

While Paz et al. does disclose panels with integrally formed sockets for connecting longitudinal edges to floor and roof assemblies, Paz et al. fails to teach or disclose the limitations of claim 1 that Greene and Silva do not teach or disclose.

Accordingly, Greene, Silva and Paz et al. together cannot be said to expressly teach or suggest all of the claim limitations.

Claims 1, 22, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (U.S. Patent No. 6,581,337) in view of Silva (U.S. Patent No. 6,145,254).

The Examiner alleges that Skov et al. discloses a panel system with assemblies for a floor, a pair of side walls, a rear wall, and a pivoting door that can be assembled on-site (Fig. 17).

The Examiner admits that Skov et al. does not disclose a telescoping roof assembly.

The Examiner alleges that Silva discloses a retractable roof panel ("panel member" 50, Fig. 2).

The Examiner then concludes that providing the roof of Skov et al. with telescoping ability as taught by Silva allows added space for maneuverability when inserting lengthy tools such as rakes or ladders into the utility shed. The Examiner also concludes that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to equip the roof of Skov et al. with telescoping ability as taught by Silva, in order to aid in the insertion and removal of lengthy tools.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

Claim 1 recites a panel system for constructing a low profile enclosure comprising, *inter alia*,... a telescoping roof assembly for

enclosing the top of said low profile enclosure system and for providing ingress into and egress from said low profile enclosure, said telescoping roof assembly including a fixed roof panel and a telescoping roof panel, said telescoping roof panel including a top surface, a bottom surface, a front closed edge, a rear closed edge, a left closed edge, and a right closed edge, said bottom surface including a plurality of strengthening ribs constructed and arranged to provide structural rigidity and load capacity to said telescoping roof panel.

Neither Skov et al. nor Silva discloses a panel system for a low profile enclosure which includes a telescoping roof assembly having a telescoping roof panel. The telescoping roof panel having a bottom surface which includes a plurality of strengthening ribs constructed and arranged to provide structural rigidity and load capacity to said telescoping roof panel.

The Skov et al. and Silva patents are totally silent with respect to any disclosure of strengthening ribs on the bottom of a roof panel.

Accordingly Skov et al. and Silva cannot be said to expressly teach or disclose all of the claimed limitations.

In light of all of the above remarks, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness and further contend that a person of ordinary skill

in the art, having the references Greene, Silva, Paz et al. and Skov et al., in front of him or her would not have the information and motivation necessary to arrive at Applicants' invention.


Accordingly, Applicants respectfully submit that the claimed panel system for constructing a low profile enclosure distinguishes over the prior art and respectfully request that the rejections of claims 1, 8-22, 24, 28-32 and 37 under 35 U.S.C. 103(a) now be withdrawn.

SUMMARY

In light of the foregoing remarks, amendments to the specification and amendments to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment, the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



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